

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jeffrey McKoy

Docket No. 5:06-CR-56-1F

Petition for Action on Supervised Release

COMES NOW Marla Bianco, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jeffrey Jerome McKoy, who, upon an earlier plea of guilty to 21 U.S.C. §846, Conspiracy to Distribute and Possess With the Intent to Distribute 500 Grams or More of Cocaine, 21 U.S.C. §841(a)(1), Distribute and Possess With the Intent to Distribute a Quantity of Cocaine, 21 U.S.C. 841(a)(1), Distribute a Quantity of Cocaine and 18 U.S.C. §§922(g)(1) and 924 Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 19, 2006, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Jeffrey Jerome McKoy was released from custody on February 25, 2013, at which time the term of supervised release commenced.

On March 22, 2016, as a result of the defendant committing the offense of Driving While Impaired in Cumberland County, North Carolina, the Court modified the conditions of supervision to include 30 days of home detention with electronic monitoring.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On October 6, 2016, in Cumberland County, North Carolina, the defendant was charged with Driving While Impaired. The defendant notified the probation officer the next day as required after being released on a \$500 secured bond. He admitted that he had been consuming alcohol at his cousins' home and exercised poor judgment in driving afterwards. After being pulled over, he complied with law enforcement and submitted to a breathalyzer which yielded a BAC of .10. The defendant has been instructed to undergo an assessment and complete any treatment as recommended by the assessment. As a punitive sanction for the new Driving While Intoxicated charge we are recommending a modification to include abstaining from alcohol use, 120 days home detention with electronic monitoring and 120 days Remote Alcohol Monitoring Program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 120 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
3. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 120 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Marla Bianco
Marla Bianco
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910.354.2535
Executed On: October 28, 2016

ORDER OF THE COURT

Considered and ordered this 31 day of October, 2016, and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge